

BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
**AUG 23 2016**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	Case No. 16-0032-I
v.	)	
	)	
JOHN SCOWLEY, M.D.,	)	
	)	
Respondent.	)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING  
BEFORE THE MISSOURI ETHICS COMMISSION, AND  
CONSENT ORDER WITH JOINT PROPOSED  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondent, Scowley, acknowledges that he has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that he is aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of

Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agrees to abide by the terms of this document.

## **I.**

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

### **JOINT PROPOSED FINDINGS OF FACT**

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. Respondent Scowley was a successful candidate for the Ray County Memorial Hospital Board of Directors, a political subdivision of the State of Missouri, in the April 5, 2016, election.

3. Pursuant to Sections 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

4. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

### **COUNT I**

#### *Timely statement of committee organization*

5. Respondent Scowley exceeded \$1,000 in expenditures in support of his candidacy on March 15, 2016, after making two expenditures for banners and signs totaling \$1,018.56.

6. Respondent Scowley did not file a statement of committee organization with the Ray County Clerk by March 28, 2016, which was the date Respondent Scowley's first campaign finance report was due.

## COUNT II

### *Timely campaign finance reports*

7. Respondent failed to timely file the following reports for the following reporting periods:

Report	Reporting Period	Deadline
8 Day Before April 2016 election	February 21–March 24, 2016	March 28, 2016
April 2016 Quarterly	March 25–31, 2016	April 15, 2016
30 Day After April 2016 election	April 1–30, 2016	May 5, 2016

8. Respondent failed to timely file a 24-hour notice of late contribution for the following transactions, which should have also been reported on a committee report as in-kind contributions from Respondent Scowley to his candidate committee:

Date	Recipient	Purpose	Amount
March 25, 2016	The Daily News	Advertising	\$440.00
March 28, 2016	U.S. Postal Service	Stamps	\$490.00
March 29, 2016	Carter Monuments	Signs	\$337.50
March 30, 2016	U.S. Postal Service	Stamps	\$490.00
March 30, 2016	The Lawson Review	Advertising	\$33.60
March 30, 2016	Scotty Dorton	Signs	\$200.00

## COUNT III

### *Timely and accurate report of expenditures*

9. Respondent Scowley failed to timely file campaign finance disclosure reports showing the following thirteen (13) expenditures, totaling \$5,349.24, that were over \$100 each:

Date	Recipient	Purpose	Amount	Reporting Period
March 15, 2016	Vista Print	Banners	\$343.56	8 Day Before April election
March 15, 2016	Carter Monuments	Signs	\$675.00	
March 16, 2016	Vista Print	Post Cards	\$343.56	

Date	Recipient	Purpose	Amount	Reporting Period
March 16, 2016	Vista Print	Post Cards	\$1,059.36	8 Day Before April Election
March 18, 2016	Carter Monuments	Signs	\$337.50	
March 23, 2016	Carter Monuments	Signs	\$337.50	
March 24, 2016	Vista Print	Business Cards	\$126.86	
March 25, 2016	The Daily News	Advertising	\$440.40	April 2016 Quarterly
March 28, 2016	U.S. Postal Service	Stamps	\$490.00	
March 29, 2016	Carter Monuments	Signs	\$337.50	
March 30, 2016	U.S. Postal Service	Stamps	\$490.00	
March 30, 2016	Scotty Dorton	Three Signs	\$200.00	
April 18, 2016	The Daily News	Thank You Ad	\$168.00	30 Day After April election
		<b>TOTAL</b>	<b>\$5,349.24</b>	

10. Respondent Scowley failed to timely file campaign finance disclosure reports showing one (1) expenditure of \$100 or less by category.

**COUNT IV**  
*Paid for by disclosures*

11. Using his own personal funds, Respondent Scowley purchased and distributed a postcard supporting his candidacy for the Ray County Hospital Board, a true and accurate copy of which is attached hereto as Exhibit A.

12. The postcard referred to in Exhibit A related to Respondent Scowley's candidacy in the April 2016 election.

13. The postcard referred to in Exhibit A should have contained a clear and conspicuous statement, "Paid for by John Scowley," but did not contain a "paid for by" disclosure statement.

**JOINT PROPOSED CONCLUSIONS OF LAW**

**COUNT I**  
*Timely statement of committee organization*

14. "[A]ny candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate

officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.” § 130.021.5, RSMo.

15. If a candidate for a special purpose district exceeds \$1,000 in aggregate expenditures by the candidate “and any other person with the candidate’s knowledge and consent in support of the person’s candidacy,” § 130.016.6, RSMo, then such a candidate “shall form a committee no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees.” § 130.016.7, RSMo.

16. “No candidate for any office listed in this subsection shall be excused from complying with the provisions of any section of this chapter, other than the filing of an exemption statement under the conditions specified in this subsection.” § 130.016.6, RSMo.

17. The appropriate officer for candidates for Ray County Memorial Hospital Board of Directors is the Ray County Clerk. § 130.011(1); § 130.026.2(4); § 130.026.1, RSMo.

18. For purposes of Chapter 130, RSMo, “candidate” means “an individual who seeks nomination or election to public office.” § 130.011(3), RSMo.

19. “A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office;  
or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are

being reserved with the intent to promote the person's candidacy for office ... or

(c) Announces or files a declaration of candidacy for office.

§ 130.011(3), RSMo.

20. There is probable cause to believe that Respondent Scowley violated Sections 130.016.7 and 130.021.5, RSMo, by failing to timely file a statement of committee organization with the Ray County Clerk.

## COUNT II

### *Timely campaign finance reports*

21. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such

candidate takes office, and such report shall be for the period closing on the day before taking office; and

(3) Not later than the fifteenth day following the close of each calendar quarter.

§ 130.046.1, RSMo.

22. "The candidate ... of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars."

§130.046.2, RSMo.

23. "The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September." § 130.046.2, RSMo.

24. "Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section." § 130.046.2, RSMo.

25. "The receipt of any late contribution or loan of more than two hundred fifty dollars by a candidate committee supporting a candidate for statewide office or by any other committee shall be reported to the appropriate officer no later than twenty-four hours after receipt." §130.050.3, RSMo.

26. The term "late contribution or loan" means "a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself." §130.050.3, RSMo.

27. There is probable cause to believe that Respondent Scowley violated Sections 130.046.1, 130.046.2, and 130.050.3, RSMo, by failing to timely file three (3) campaign finance disclosure reports, and by failing to timely file four (4) 24-hour notices of late contribution statements with the Ray County Clerk.

### **COUNT III**

#### *Timely and accurate report of expenditures*

28. Candidate committees "shall file a legibly printed or typed disclosure report of receipts and expenditures." § 130.041.1, RSMo.

29. The reports must include:

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

(c) The total dollar value of all in-kind expenditures made;

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

§ 130.041.1, RSMo.

30. There is probable cause to believe that Respondent Scowley violated Section 130.041.1(4), RSMo, by failing to timely report thirteen (13) expenditures, totaling \$5,349.24, that were over \$100 each, and by failing to timely report one (1) expenditure by category that was \$100 or less each.

**COUNT IV**  
*Paid for by disclosure*

31. "Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office ☐ shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words 'Paid for by' followed by the proper identification of the sponsor pursuant to this section." § 130.031.8, RSMo.

32. "'[P]rinted matter' shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material." § 130.031.8, RSMo.

33. In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known. § 130.031.8(1), RSMo.

34. There is probable cause to believe that Respondent Scowley violated Section 130.031.8, RSMo, by publishing, circulating, and distributing a postcard without a full and accurate "paid for by" disclosure.

## II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit 1.

a. Respondent shall comply with all relevant sections of Chapter 130, RSMo.

b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Scowley in the amount of \$6,100, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$700 of that fee within forty-five (45) days after the date of this Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

c. Respondent must file all necessary campaign finance reports with the Ray County Clerk's office.

d. Regardless of the stay in paragraph 2.b. above, if Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent has committed such a violation.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondent, together with his heirs, successors, and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondent from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondent understands that late filing fees accrue automatically under Section 105.963, RSMo.

SO AGREED:

RESPONDENT JOHN SCOWLEY

By: John E. Scowley 8/31/16  
John Scowley Date

By: Farrell D. Heckemeier 8/31/16  
Farrell D. Heckemeier Date  
Attorney for Respondent

PETITIONER MISSOURI ETHICS  
COMMISSION

By: James Klahr 8/27/16  
James Klahr Date  
Executive Director

By: Curtis R. Stokes 8/23/16  
Curtis R. Stokes Date  
Attorney for Petitioner

2016

John

SCOWILEY M.D.

HOSPITAL BOARD



Vote Tuesday April 5th

EXHIBIT

A

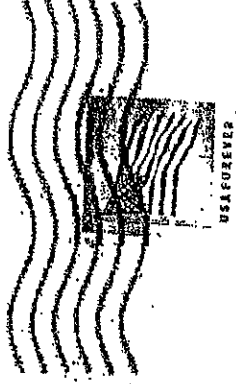
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John E. Scowley M.D.  
Board Certified Family Practitioner

P.O. Box 513  
Richmond, MO 64085

KANSAS CITY 640

31 MAR 21 1971



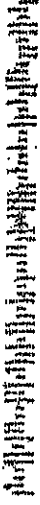
SPRINGS, MO 64024



"If we ever forget that we are One Nation Under God  
then we will be a Nation gone under."

- Ronald Reagan

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MISSOURI ETHICS COMMISSION**

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**AUG 23 2016**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	Case No. 16-0032-I
v.	)	
	)	
JOHN SCOWLEY	)	
	)	
Respondent.	)	

**CONSENT ORDER**

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondent violated Sections 130.016.7, 130.021.5, 130.046.1, 130.046.2, 130.050.3, 130.041.1(4), 130.031.8, RSMo.

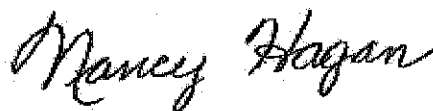
The Commission directs that the Joint Stipulation be adopted.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$6,100 pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$700 of that fee within forty-five (45) days after the date of this Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission.
3. Respondent must file all necessary campaign finance reports with the Ray County Clerk's office.
4. Regardless of the stay in paragraph 2 above, if Respondent commits any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended,

within the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent committed such a violation.

SO ORDERED this 23<sup>rd</sup> day of August, 2016

By:

A handwritten signature in cursive script that reads "Nancy Hagan".

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Nancy Hagan, Chair  
Missouri Ethics Commission